

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 1:12-cr-00064 (1)
	:	
vs.	:	JUDGE BARRETT
	:	
KEVIN HUFF,	:	<b>STANDARD ACTION DOCKET</b>
	:	
Defendant.	:	

**DEFENDANT'S MOTION TO REDUCE SENTENCE, PURSUANT TO  
18 U.S.C. § 3582(c)(2), IN AN "AGREED DISPOSITION CASE"**

Pursuant to 18 U.S.C. § 3582(c)(2), Defendant Kevin Huff, through undersigned counsel, hereby moves this Court for an Order reducing his sentence from 262 months to 210 months based on the retroactive application of the November 1, 2014 drug amendment.

Respectfully submitted,

DEBORAH L. WILLIAMS  
Federal Public Defender

By: /s/ Laura E. Byrum  
Laura E. Byrum (VA 48150)  
Assistant Federal Public Defender  
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Laura\_Byrum@fd.org

Attorney for Defendant  
Kevin Huff

## **MEMORANDUM**

At Defendant's original sentencing hearing, his total offense level was 37 given the quantity of drugs for which he was held accountable. Moreover, Defendant's criminal history category was determined to be III. A combination of these two Guideline determinations yielded a sentencing range of 262 to 327 months. Defendant was then sentenced to serve 262 months in prison.

On November 1, 2014, the United States Sentencing Commission promulgated Guideline Amendment 782 which reduced by two levels the guidelines for all drugs, found in USSG § 2D1.1, as well as listed chemicals found in § 2D1.11. Persons who are serving drug sentences are eligible for retroactive application of the guideline as long as they meet certain eligibility criteria.

Recently counsel for the government, representatives of the United States Probation Office and undersigned counsel met to consider the merits of Defendant's case. All agreed to recommend to this Court that Defendant met the Commission's eligibility requirements for the retroactive application of the Guideline Amendment 782 to his case.

After the November 1, 2014 drug amendment is retroactively applied, Defendant's total offense level is reduced to 35. This reduction yields a new advisory sentencing range of 210 to 262 months when combined with Defendant's criminal history category. Finally, the parties jointly recommend that this Court reduce Defendant's sentence to 210 months.

In arriving at this recommended sentence, the parties ascertained the point in the original Guideline range where Defendant was first sentenced as well as the extent of any downward departure due to his substantial assistance, if applicable. Finally, the parties also considered unique facts about both Defendant's case and behavior while incarcerated to conclude that his early release did not present a danger to the safety of the public.

For the reasons articulated herein, Defendant Kevin Huff, through undersigned counsel, herein moves this Court for an Order reducing his sentence to 210 months. Defendant has been apprised of this proposed agreed resolution and this motion is submitted with both his knowledge and authorization.

Under Amendment 782 a defendant cannot be released from BOP custody until November 1, 2015. If the requested reduction results in defendant's new release date being moved to prior to November 1, 2015, the parties agree that November 1, 2015 should be the agreed upon release date.

Respectfully submitted,

DEBORAH L. WILLIAMS  
Federal Public Defender

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Assistant Federal Public Defender  
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Attorney for Defendant  
Kevin Huff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the Motion to Reduce Sentence Pursuant to § 3582(c)(2) was served electronically upon Kenneth Parker Assistant United States Attorney, Chief Criminal Division, this 21st day of July 2015.

/s/ Laura E. Byrum  
Laura E. Byrum (VA 48150)  
Assistant Federal Public Defender

Attorney for Defendant  
Kevin Huff